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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,171	04/09/2001	George M. Brookner	770P009600-US(PAR)	9225

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

BASS, JON M

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/829,171	Applicant(s) BROOKNER ET AL.	
	Examiner Jon Bass	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

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[Handwritten signature]

DETAILED ACTION

1. This is in response to the communication "Postal Metering Device Licensing Location" filed on April 9, 2001. Claims 1-23 are pending in this application.

Information Disclosure Statement

2. The examiner considered the Information Disclosure Statement filed on July 12, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by JP Leon (US Patent No: 6,816,844) hereinafter referenced as Leon.

As Per Claim 1:

Leon discloses a method wherein, A method for operating a device for the secure storage of funds comprising, [col.1 to col.2 (lines 66-2); computer having a storage unit for storing secure data (e.g. accounting data)]:

interfacing said device with a system, [col.1, line 66; computer having user interface];

transmitting from said device to the system a present location of said device, [col.2, lines 9-10; user interface and communication with a agency];

comparing in a database associated with said system the present location of said device with a previously stored location, , [col.1 to col.2 (lines 66-2); computer having a storage unit for storing secure data (e.g. accounting data)]; and

transmitting to said device from said system an authorization to utilize said funds only if the present location is within a predetermined region associated with said previously stored location, [col.2, lines 28-30; data file includes a descending register of an amount of funds available].

As Per Claim 2:

Leon discloses a method wherein, said authorization is transmitted only if the present location matches the previously stored location, [col.2, lines 28-34, data file has a descending, ascending and control register indicator for available funds].

As Per Claim 16:

Leon discloses a method wherein, a device for the secure storage of funds comprising, [co.4, line 18; secure processing unit for secure funding]:

a memory for storing value of said funds, [col.4, lines 22-24; remote computer (which has memory for storing) and secure processing unit];

apparatus associated with said device for determining a location of said device, [fig.1 {122}]; communication links];

and a communication port for providing communication between said device and a system, said device communicating said location to said system via said port, [fig.1 {122} communication links to provide communication between device and system].

As Per Claim 17:

Leon discloses a method wherein, comprising apparatus for receiving from said system an authorization to access said funds, if said location is within a predetermined region, [col.3, line 18; once determined to be authentic and (lines 21-22); the fund request and authorization messages are processed by the receiving units].

As Per Claim 18:

Leon discloses a method wherein, said apparatus provides access to said funds if said location corresponds to a predetermined location, [col.4, lines 57-60, once verification procedures are taking care of; data transmission via of communication link to funding center].

As Per Claim 19:

Leon discloses a method wherein, further comprising apparatus for encrypting and digitally signing, or digitally signing said communication, [col.2, lines 34-35; digital signature algorithms].

As Per Claim 20:

Leon discloses a method wherein, an arrangement for securely dispensing funds comprising:

a device for the secure storage of funds, [co.4, line 18; secure processing unit for secure funding], including:

a memory for storing value of said funds, apparatus associated with said device for determining a location of said device, [col.4, lines 22-24; remote computer (which has memory for storing) and secure processing unit];

a communication port for providing communication between said device and a system, said device communicating said location to said system via said port, [fig.1 {122}; communication links];

the system having a database for storing, for each device, a predetermined location, [fig 3{322}, file storage system];

and apparatus in said system for providing an authorization to said device to dispense funds only if said present location is within a region associated with said predetermined location, [col.3, line 18; once determined to be authentic and (lines 21-22); the fund request and authorization messages are processed by the receiving units].

As Per Claim 21:

Leon discloses a method wherein, said apparatus provides said authorization only if said present location matches said previously stored location, [col.3, line 18; once determined to be authentic and (lines 21-22); the fund request and authorization messages are processed by the

receiving units].

As Per Claim 22:

Leon discloses a method wherein, cryptographic key management supports secure communication with the device, [col.6, lines 40-41; processing unit performs cryptographic functions].

As Per Claim 23:

Leon discloses a method wherein, A device for the secure storage of funds comprising, [col.4, line 18; secure processing unit for secure funding]:

a memory for storing value of said funds, [col.3, line 41; include memory coupled to processing unit];

a communication port for providing communication with a host for said device, [col.6, lines 38-40, communication with the host computer];

apparatus for preventing operation of said device or said host if said device does not receive a predetermined digital coded sequence from said host or said host does not receive a predetermined digital coded sequence from said device, [col.4, lines 56-59, host computer includes modem to provide secure and or non-secure data via communication links].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4. Claims 3-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Leon (US Patent No: 6,816,844) hereinafter referenced as Leon in further view of Edward Naclerio (US Patent No: 6,820,065) referenced as Naclerio.**

As Per Claim 3:

Leon discloses a method that includes a postal system that has a storage unit but lacks, said device is licensed for use at said previously stored location, and if the comparing indicates that the device is not in the predetermined region, the system issues a new license for a region associated with the present location of said device.

Naclerio discloses a method wherein, said device is licensed for use at said previously stored location, and if the comparing indicates that the device is not in the predetermined region, the system issues a new license for a region associated with the present location of said device, [fig.4 {64}; process license request, fig.4 {65}, postage meter license, and col.5, lines 44-46; verifies the validity of the license], which specifically relates to administering a postage metering license.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with issuing a new postage metering license, which specifically relates to administrating a postage metering license, which additionally verifies the products data and its origin.

As Per Claim 4:

Leon discloses a method that includes communication to a system but lacks, further comprising communicating from the system to the device, data associated with the present location.

Naclerio discloses a method wherein, further comprising communicating from the system to the device, data associated with the present location, [col.5, lines 45-46; passes the license along to the postage meter].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with communication between two systems, which specifically relates to communicating data from one system to another device, which additionally verifies the products data and its origin.

As Per Claim 5:

Leon discloses a method that includes postal system but lacks, wherein said device is a postal security device and said data includes at least one of zip code, city and state information.

Naclerio discloses a method wherein, said device is a postal security device and said data includes at least one of zip code, city and state information, [col.5, lines 8-13, meter associated with particular town & fig. 4 {63}; license from a post office].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with postal security devices, which specifically relates to postal security devices which includes data information, which additionally verifies the products data and its origin.

As Per Claim 6:

Leon discloses a method that includes postal system but lacks, further comprising powering up said device; the method being conducted when said device is powered up.

Naclerio discloses a method wherein, further comprising powering up said device, the method being conducted when said device is powered up, [it is noted that device must have power generating towards it due to the function capabilities, fig. 3 {40} postal security device].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with powering up the device, which additionally verifies the products data and its origin.

As Per Claim 7:

Leon discloses a method that includes a system but lacks, wherein said transmitting is done when said device establishes a contact with said system.

Naclerio discloses a method wherein, said transmitting is done upon said device establishing a contact with said system, [fig. 2{30} communication device].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with communication with a system, which additionally verifies the products data and its origin.

As Per Claim 8:

Leon discloses a method that includes a system but lacks, said contact with said system is terminated after the location of said device is determined.

Naclerio discloses a method wherein, said contact with said system is terminated after the location of said device is determined, [fig.3 {40, 41}; postal security device and communication channel].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with communication with a system, which additionally verifies the products data and its origin.

As Per Claim 9:

Leon discloses a method that includes postal systems but lacks, said contact is made by telephone, the location of said device is determined by using caller identification.

Naclerio discloses a method wherein, if said contact is made by telephone, the location of said device is determined by using caller identification and if said contact is not made by telephone, other means are used to determine the location, [fig.2 {20},{30}; has a communication channel, data exchanges with users computer. One can determine location by a communication channel, its able to tell the location].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with communication with a system, which additionally verifies the products data and its origin.

As Per Claim 10:

Leon discloses a method that includes a computer system but lacks, said contact is made using a network, the location of said device is determined by obtaining a network address of said device.

Naclerio discloses a method wherein, if said contact is made using a network, the location of said device is determined by obtaining a network address of said device and if said contact is not made using a network, other means are used to determine the location, [fig.2

{20},{30}; has a communication channel, data exchanges with users computer. One can determine location by a communication channel, its able to tell the location].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with communication with a system, which additionally verifies the products data and its origin.

As Per Claim 11:

Leon discloses a method that includes said contact is made using the internet, the location of said device is determined by using internet service provider location identification.

Naclerio discloses a method wherein, if said contact is made using the internet, the location of said device is determined by using internet service provider location identification and if said contact is not made using the interne, other means are used to determine the location, [fig.2 {20},{30}; has a communication channel, data exchanges with users computer. One can determine location by a communication channel, its able to tell the location].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with communication with a system, which additionally verifies the products data and its origin.

As Per Claim 15:

Leon discloses a method that includes a device but lacks wherein said device is a postal security device.

Naclerio discloses a method wherein, said device is a postal security device, [fig. 3{40}, postal security devices].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon's method and system in conjunction with Naclerio's system and method to emulate an invention that deals with postal security devices, which additionally verifies the products data and its origin.

- 5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Leon (US Patent No: 6,816,844) hereinafter referenced as Leon in further view of Edward Naclerio (US Patent No: 6,820,065) referenced as Naclerio in further view of Eric Valentine (US Patent No: 6,011,973) hereinafter referenced as Eric.**

As Per Claim 12:

Leon and Naclerio disclose a method that incorporates a postal system that has communication links but lacks, wherein if said contact is made using a cellular telephone port,

the location of said device is determined using a location identifier of a cellular telephone system with which said cellular telephone communicates.

Valentine discloses a method wherein if said contact is made using a cellular telephone port, the location of said device is determined using a location identifier of a cellular telephone system with which said cellular telephone communicates and if said contact is not made using a cellular telephone port, other means are used to determine the location, [fig.1 {190} cellular telephone network which is a database used to locate a base].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon and Naclerio's method and system in conjunction with Valentine's system and method to emulate an invention that deals with contact using a cellular phone, which additionally verifies the products data and its origin.

As Per Claim 13:

Leon and Naclerio disclose a method that incorporates a postal system that has communication links but lacks, wherein said device is associated with a position determining apparatus for determining its location, said device providing to said system its location as determined by said position determining apparatus

Valentine discloses a method wherein said device is associated with a position determining apparatus for determining its location, said device providing to said system its location as determined by said position determining apparatus, [col.2, lines 36-41; geographical location can be expressed in geographical coordinates such as longitude and latitude].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon and Naclerio's method and system in conjunction with Valentine's system and method to emulate an invention that deals with position and location, which additionally verifies the products data and its origin.

As Per Claim 14:

Leon and Naclerio disclose a method that incorporates a postal system that has a receiver but lacks, wherein said position locating apparatus is a global positioning system receiver.

Valentine discloses a method wherein said position locating apparatus is a global positioning system receiver, [fig. 1{130}, Global Positioning System, GPS].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Leon and Naclerio's method and system in conjunction with Valentine's system and method to emulate an invention that deals with position and location, which additionally verifies the products data and its origin

Conclusion

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at (571) 272-6905 between the hours of 9-6pm Monday through Friday. The fax number for the establishment where the application is being process is (703) 872-9306.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Weiss** can be reached at **(571) 272-6812**.

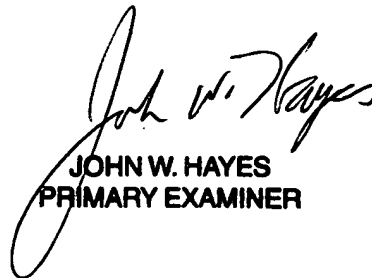
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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231


JOHN W. HAYES
PRIMARY EXAMINER

